

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RACHEL IVY,

Plaintiff,

v.

OUTBACK STEAKHOUSE, INC.; et al.,

Defendant.

CASE NO. C05-654C

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the various pending motions in this matter.

Motions to Seal

Defendants have filed two motions to seal (Dkt. Nos. 129 and 134/139) material in opposition to two of Plaintiff's motions in limine. The Court finds that Defendants have satisfied Local Civil Rule 5(g) because the documents requested to be sealed contain highly sensitive personal and medical information of Plaintiff, the admissibility of which at trial remains disputed. Accordingly, the motions to seal are GRANTED and Dkt. Nos. 131, 132, 135, and 136 shall remain sealed on this Court's docket.

Motions in Limine

There are eleven motions in limine pending, as well as a motion to file overlength brief associated with one of those motions. Having stricken the trial in this matter, the Court hereby STRIKES all pending motions in limine (Dkt. Nos. 62, 74, 79, 83/95, 85, 87, 90, 91, 92, 93, and 94) and the motion to file overlength brief (Dkt. No. 77) associated with Dkt. No. 74. These motions are subject to RENOTING for consideration by the Court prior to trial, on a date to be determined by the Court at a later time. These stricken motions shall not be renoted except by further Order of this Court.

Motion for Judgment

Plaintiff filed a Motion to Strike Answer and all Defenses and to enter Judgment for Plaintiff (Dkt. No. 89/96). Plaintiff has styled this motion as one for discovery sanctions. Federal Rule of Civil Procedure 37 provides for the discretionary imposition of a broad variety of sanctions for discovery misconduct, including dismissal. However, under Local Civil Rule 16(f), parties must exhaust discovery procedures, including making motions provided for under Federal Rule 37, no later than 120 days prior to the trial date. Plaintiff's Rule 37 motion was filed on June 21, 2007 when the trial was set for July 9, 2007. As such it is untimely. Accordingly, it is STRICKEN.

DATED this 13th day of July, 2007.

BRUCE RIFKIN, Clerk of Court

By /s/ C. Ledesma

Deputy Clerk